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DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-195898

DATE: October 16, 1979

MATTER OF: Harco Corporation

[Untimely Protest of Solicitation Cancellation]
DIGEST:

Protest filed more than 10 working days after basis for protest is known is untimely and not for consideration on merits.

CNG 01658

Harco Corporation (Harco) protests the cancellation of solicitation No. 78-38-3 issued by Fenix & Scisson, Inc. (Fenix), a prime contractor with the Department of Energy under contract number EL76C01-7003. The solicitation involved installation of Cathodic Protection Equipment for the Naval Petroleum Reserve No. 3. For the reason stated below, the protest is dismissed.

DLG03063

DLG03064

Harco's quotation was the only one received under the solicitation in question by the July 10, 1979, opening date. The contract administrator canceled the solicitation on July 16, and on the same date issued a new solicitation for the same requirement. Two other firms besides the protester submitted quotations on the second solicitation. Thereafter Harco protested, claiming that once its quotation was exposed on July 10 it was placed at a competitive disadvantage under the new solicitation. Harco believes that since its original quotation was reasonable, it was entitled to the contract award under the original solicitation.

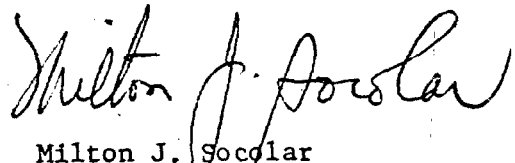
Our Bid Protest Procedures, 4 C.F.R. § 20.2(b)(2) (1979), require protests to be filed no later than 10 working days after the basis of the protest is known or should have been known, whichever is earlier. Here, while Harco claims it did not receive notice of the cancellation, the resolicitation was issued on July 16, and upon its receipt it should have been apparent that no contract would be awarded under the original solicitation and that additional competition was being sought after Harco's original quotation was "exposed." The protest, however, was not filed until August 28, 1979, or 43 calendar days (31 working days) after the resolicitation date. Under these circumstances it appears that Harco did not meet the 10-day filing deadline required by our regulations. Anderson Jacobson, Inc., B-195533, August 22, 1979, 79-2 CPD 146.

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The protest is dismissed.

A handwritten signature in dark ink, reading "Milton J. Socolar". The signature is written in a cursive style with a large, sweeping "M" and a long, trailing "S".

Milton J. Socolar
General Counsel